

REMARKS

Claims 1 and 3 have been amended. Thus, Claims 1-3, 6-8, 10-11, and 19-25 are pending in this application.

I. Election Restriction

The Examiner stated the claims 22-25 are directed to a non-elected invention and thus considered withdrawn from consideration. Applicant respectfully disagrees. These claims are dependent claims and include all the limitations of independent claim 1. They further limit, thus, claim 1. These claims are not directed at a different species but more specifically define what specific element in a production machine are driven by the drive and moreover which kind of variables are used. Thus, Applicant respectfully requests reconsideration of these claims.

II. Claim Rejection under 35 U.S.C. §112

The Examiner rejected Claim 1, 2, 6, and 19-21 under 35 USC §112 as being indefinite. Applicant respectfully disagrees. Applicant cannot follow why a first and second variable lacks antecedent basis when at least two variables have been previously defined in claim 1. The term “two variable” cannot be interpreted to not include a first and second variable. However, to further prosecution, Applicant amended claim 1 to overcome any antecedent basis objection.

III. Claim Rejection under 35 U.S.C. §102

The Examiner rejected claims 1, 2, 6, 10, and 19-21 under 35 U.S.C. §102(e) as being anticipated by Onishi. Applicant respectfully disagrees. The present independent claims include limitations neither disclosed nor suggested by Onishi.

Contrary to the Examiners determination, the correctional setpoint unit is considered as a complete correctional branch as, for example, shown in Fig. 2 with functional units FB4, AS, and FB5. Applicant amended claim 1 to more clearly define this limitation. The present invention, thus, is directed to a production machine comprising a control unit for a drive wherein the control unit comprises a drive control which generates in a first branch a positional setpoint and in a second branch a correctional setpoint. The correctional setpoint is generated from either a first or second setpoint, namely the output signals of FB2 and FB3 and a second

variable p_{act} . The motor driver proper uses then both the positional setpoint and the correctional setpoint to generate respective drive parameters.

Onishi uses a different approach. Onishi clearly discloses a system with two separate control loops, namely a position set loop and a pressure set loop. These loops are never active at the same time. Rather, the pressure set loop only operates during an injection phase and the position set loop for returning the screw whereas the pressure set loop is used when the screw is moved in other direction to perform the ejection. See in particular col. 4, lines 40-53. Thus, no switching based on a position but rather on the direction of the movement of the crew takes place. Furthermore, there are no two different setpoints, one of which is selected to generate a correctional setpoint for the positional setpoint value. Thus, Onishi does not anticipate the present invention.

With respect to claims 3, 7, and 8, the Examiner stated that Stroud anticipates these claims. Applicant respectfully disagrees. However, Applicant amended claim 3 to more clearly define the present invention. According to claim 3, three profiles, a velocity/position profile, and two pressure profiles are used to generate the position setpoint and the correction setpoint. One of the pressure setpoint variables is used to correct the position setpoint depending on the position.

Stroud on the contrary does use pressure profile and velocity profiles at the same time. Fig. 15 clearly shows that the system according to Stroud only uses one profile at a time within either a closed loop controller or an open loop controller. Switch 364 can only select either a position or a pressure variable and the segment pointer will then select a respective profile table. Thus, the Stroud system does not correct a position setpoint generated from a velocity/position profile with a correction variable generated from a pressure profile. Therefore, Strout does not anticipate the present invention as claimed in independent claim 3.

IV. Dependent claims

The claims 2, 6-8, 11, and 19-25 are dependent claims and, thus, include all the limitations of the respective independent claims 1, 3 or 10. Therefore, these claims are patentable at least to the extent of the respective independent claims.

SUMMARY

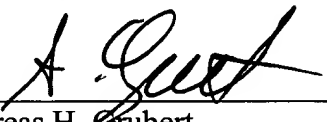
In light of the above remarks, reconsideration and withdrawal of the outstanding rejection is respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the agent of record by telephone or facsimile.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 071308.0167.

Respectfully submitted:

BAKER BOTTS L.L.P.

Date: July 28, 2004

By: 
Andreas H. Grubert
(Limited recognition 37 C.F.R. §10.9)
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: 713.229.1964
Facsimile: 713.229.7764
AGENT FOR APPLICANTS